

**MINUTES
PAGE COUNTY PLANNING COMMISSION
WORK SESSION
October 12, 2010 - 7:00 P.M.**

Members Present: Paul Price, Chairman, District 4
Paul Otto, District 1
Bernie Miller, District 1
Alyce Getz, District 2
Sherry Myers, District 2
Charles Newton, District 3
James Holsinger, District 4
Scott Alexander, District 5

Members Absent: Louis Bosley, District 3

Staff Present: Michelle Somers, Zoning Administrator
Tracy Clatterbuck, Program Support Technician
Angela Jenkins, Office Aide

Others Present: Robert Janney, Rodger Smith, Pat Racey, Chris Lam,
Michael Shifflett, Juanita Shenk
6 concerned citizens

Call To Order:

Chairman Price called the meeting of October 12, 2010 Page County Planning Commission to order in the Board of Supervisors Room located at the Page County Court House, 116 South Court Street, Luray, Virginia, at 7:00 p.m.

New Business

A. Subdivision Waiver Request – Michael Shifflett

Mrs. Somers began by noting the property is located on Rt. 340 as noted on the map, and further identified as Lot 128. The applicant is requesting the portion opposite of 340 which is about $\frac{3}{4}$ of an acre be granted a subdivision waiver to be divided, which will be below the minimum lot size. One condition discussed with the applicant, is the restrictions, since the property lies within the flood plain it can only be used for recreational purposes. The applicant agrees with that condition.

Mr. Shifflett explained this is a piece of property where people dump deer carcasses and trash, which makes it unpresentable to the County. It would be nice for an individual to bring his family there over the weekend, set up a tent, and clean the place up to make it presentable. He agreed that uses for the property were limited because it is in a flood plain.

Commissioner Newton was curious if Mr. Shifflett would be interested in deed restrictions if the Commission allows him to subdivide and Mrs. Somers replied yes. Mr. Shifflett agreed it is not a buildable piece of property. Commissioner Newton stated having it measured and divided made it easier to sell and Mr. Shifflett agreed. Commissioner Otto stated he does not have a problem with the concept, but would like to have a site visit. After discussion, it was agreed upon that the Commissioners would do that on their own time. Chairman Price concluded by noting it would be on the next regular meeting agenda.

B. Subdivision Waiver Request – Juanita Shenk

Mrs. Somers began by saying Mrs. Shenk is requesting a waiver of the 1 ¾ acre requirement. The property is currently one lot that has two dwellings on it. The owners are proposing to have a lot for each dwelling unit for the property. One lot is 1.2 acres, and the other lot is almost ¾ of an acre.

Mr. Rodger Smith explained this property had been in the family and was deeded to Mrs. Shenk and her husband in 1987. There was one house on it when it was deeded to them, and then a second house was built. The two houses that remain on the tract are occupied by family. It is necessary to plan for the future. Mr. Shenk is very ill, they want to make sure the houses are divided to the family. He said there was no problem as to access of the roadway, and noted the lots come off of Wilderness Trail. Both houses share one well, but each has its own septic system. Commissioner Newton asked if that was a state maintained road. Ms. Robin Freeze (daughter) replied, half way up. Commissioner Newton questioned the section Mrs. Shenk is on, is it a private road, and Ms. Freeze replied yes. Commissioner Otto pointed out right now it is one nonconforming lot because you have two principal residences on one lot. If this request is granted then you would have two nonconforming lots. Commissioner Otto stated he really didn't see a problem as long as it stayed in the family. Commissioner Getz asked if the smaller house met the requirements if it was a 1.75 acre lot and someone had built a second guest home on the lot. Mr. Smith stated those requirements did not apply when they built the house. Mrs. Somers noted guest homes cannot be rented or sold separately. Commissioner Newton asked if there was some way this could be handled in their will instead of actually having to divide the property. Mr. Smith replied no, there would still be the problem with the division.

Chairman Price asked Mrs. Somers if she saw any problems with the proposal. She replied no. Mrs. Somers noted the right-of-way has already been dedicated. Chairman Price stated he was uncomfortable about sharing a well. As long as it is family it is not an issue until it is no longer family. He said the Commission should look at this.

Chairman Price wanted to know if they could make it work with the adjoining land that Mrs. Freeze and her husband owned. Mrs. Freeze stated it was not wide enough. Mrs. Somers added the other parcel is narrow and long stating she really did not think it could be done. Mr. Smith stated there was no intent to sell this property, and as far as he knows it will be in the family forever. After discussion, the commission formed a site

visit committee, which included Commissioner Otto, Commissioner Myers and Commissioner Getz with Commissioner Getz acting as the Chairman. The site visit was scheduled for October 20, 2010 at 4:30. This matter will be put on the regular meeting agenda for October 26, 2010.

Unfinished Business

A. Subdivision Exception § 100-12 For Zoning Gary Shirley (Racey Engineering) Ramsey, Inc.

Mrs. Somers began by noting the property is located along Atkins Drive in Luray. There are fourteen lots total, five lots within the County and nine lots within the Town of Luray. All lots are planned to have on-site well and septic. She stated she had contacted the Town of Luray regarding this proposal and they offered the following comments:

All lots will need to be served by public water and sewer. Mr. Ramsey, owner of who could, construct one single- family dwelling needed, and it would be served by on-site water and septic but the nine lots he is proposing within the Town limits would require water and sewer connections to be made. In 2006, Mr. Ramsey rezoned a portion of the property line within the Town of Luray from R1 to R2 with a proffered statement to "engineer, design, construct and design all on-site water and sewer lines". On October 17, 2006, the portion lying within the County was rezoned from Industrial to Residential. If the applicant provides water and sewer to the property of the portion within the Town, then he could extend it to the portion within the County and only would be required a lot size of 15,000 square feet, which is much smaller than what he is proposing.

Mr. Pat Racey, Racey Engineering, stated there were forty plus lots, originally. A significant amount of infrastructure and site development is involved and a fair amount of community impacts as well. Mr. Racey said he is in favor of the fourteen lot plan for the property. The forty lot development dropped to fourteen which means less site development, less utilities, less infrastructure, more affordable housing and less density. It matches more of the existing subdivision than the forty units. The existing Springview Subdivision is 800 feet away. There have been some concerns about the drainage on Route 211, which Mr. Ramsey is going to propose a drainage easement to capture drainage from the farm field across Route 211. Commissioner Newton asked if Mr. Ramsey looked at the drainage units, which was a Health Department concern and Mr. Racey replied yes. The Health Department felt once you establish a drainage easement the two places Mr. Ramsey suggested for septic systems on the adjacent lots would be compromised. Mr. Racey said he would work through this to make sure he does not compromise the septic codes.

Mr. Racey said there is room to shift one drain field if needed, five or ten feet away, Gary Shirley has looked at this since the last meeting. Chairman Price suggested this be placed on hold until the Town of Luray issues are resolved.

B. Subdivision Waiver Request – Chris Lam

Mrs. Somers started by explaining the drawing from the Health Department was fuzzy so she cleaned up the version so they could see it better. She showed the Commission the location of the existing dwelling, drain field, and well. The applicant wants to divide the property. Commissioner Myers asked if it was only a one house site. Mrs. Somers replied previously Mr. Lam was requesting two, but now he only wants one.

Commissioner Myers stated she felt Mr. Lam's hardship was very sound, and she did not object to the project. Commissioner Getz agreed with Commissioner Myers. Commissioner Newton asked how many wells were on the property. Mrs. Somers replied there used to be a cistern on the lower property. Commissioner Alexander stated he agreed with the principal, and did not think the Commissioners should just leave the applicant high and dry. He was concerned about the easements and the sharing of the well. Commissioner Newton stated he agreed with Commissioner Alexander and Commissioner Holsinger stated he was also concerned about one well serving both houses. Commissioner Miller stated he did not see why there could not be another well installed prior to the subdivision approval.

Mr. Chris Lam explained the Health Department told him he could do a cistern on the upper lot. Chairman Price stated the upper lot is where the proposed well is going. Mrs. Somers pointed out that the well was already installed. A cistern was on the lower lot, which had to be moved. Chairman Price asked if it were possible to meet requirements and have one well on the lower lot. Mr. Lam replied that it would be tight. Commissioner Miller stated his concern was the well and the driveway going into the property. Mrs. Somers explained that before the code change he could have the house on the lower lot and two new houses at the upper portion. You could have as many houses on a property that fit prior to the code change. She also noted the septic had been installed prior to the code change. Mr. Lam stated it was completed in 2006.

Commissioner Otto stated the septic systems were on one lot, which was not a good situation. He also questioned if Mr. Lam had the septic permit since 2004, why did he not proceed with the project? Mr. Lam answered he was planning for the future, and time and money got tight, and he was not able to get through it. Commissioner Otto noted it was an unfortunate situation, and it sure did leave a mess. Mr. Lam explained he thought possibly to go up in a triangle and have the well located in the lower lot. A stream goes between the two lots and the rest are drain fields. Commissioner Holsinger said he remembered from the discussion at the last meeting Mr. Lam could build a guest house but he could not subdivide. He wondered if Mr. Lam was interested in doing that. Mr. Lam said it was too much money for a guest house. Commissioner Miller noted he would also have to provide access to the property through the existing property.

Chairman Price asked what the original intention was, if he wanted to create lots or just build. Mr. Lam replied it was just to build. Commissioner Otto asked if Mr. Lam's intentions are now to subdivide and sell. Mr. Lam replied he was trying to subdivide for the future. Commissioner Holsinger asked if there were any properties adjacent to Mr.

Lam for sale and Mr. Lam replied no. Commissioner Otto stated he would feel more comfortable knowing a well could be installed on the lower lot. Commissioner Otto asked Mr. Lam could he do a boundary line adjustment; providing enough room for a 50 foot right of way. Mr. Lam stated there is plenty of room for a right-of-way.

The Commission agreed to a site visit to look into these issues. The committee will conduct a meeting on October 22, 2010 at 11:00 a.m.

C. Century Luray – Rezoning

Mrs. Somers stated she would like for the committee to do a site visit on Century Luray before the public hearing. Mr. Robert Janney started by stating he had read through the subdivision ordinances. Phasing is covered in Section 109F2 which provides for construction schedules as part of the subdivision design process. Completion schedules are one of the things that has to be a part of the subdivision approval process.

Mr. Janney explained the second issue is sidewalks. They have not designed the subdivision, they have a concept plan. It is limited to be, by the proffers, an age restricted subdivision which was a new ordinance adopted by the Planning Committee and Board of Supervisors, in February 2009, that does not require sidewalks. The applicant will comply with the subdivision ordinance that is in effect. As for the site plan approval, if it has sidewalks in the ordinance at the time, then there will be sidewalks.

Mr. Janney explained the next issue was the 25 feet of buffering along the adjoining agriculture areas. There is not a huge amount of agriculture area because of housing in the area that has already gone in on Junebug Lane. Some of the land borders property within the Town of Luray and the site plan handouts show a significant amount of buffering already included. Under the ordinance there is a 25 feet setback for the house under their proffers. They proffered 25 feet as a minimum set aside 20% for open space. We really do not know how the design criteria will come out until the soil analysis is complete. The 50 feet minimum is already built in the proffers and the age restricted ordinance is going to be quite significant.

Mr. Janney explained the last issue Mrs. Somers raised was fire and rescue and a Capital Improvement Plan. After checking with Wes Shifflett, EMS Coordinator, he says there is nothing in the capital improvement budget for fire & rescue. Mr. Shifflett's exact words were, "the County makes a \$45,000.00 donation to the fire & rescue squads and the County acts as a revenue ambulatory bill for payments of fire & rescue bills and service". The County gets 33%, the billing agency gets 7%, and the rest of the money gets split equally between what is called the driver of the rescue squad vehicle, which may be a County employee or rescue squad volunteers and the balance of the money goes to the rescue squad because they furnish the vehicle. Mrs. Somers had a copy of a letter from Travis Clark, President, Page Memorial Hospital, addressing the issue of healthcare. Mr. Clark was greatly in favor last year of the rezoning stating it was not going to be harmful to healthcare in the County. In fact, he thought it was going to be

beneficial. The healthcare community is very much in favor of it for contributing to the healthcare sector of our County.

Mr. Ligon Webb wrote a comment letter and Mr. Janney was perturbed about his letter. All the comments in the letter were issues that will be dealt with at the subdivision approval process. We have already dealt with Virginia Department of Transportation issues. The water and sewer issues have been dealt with as noted in Mr. Racey's letter. He then requested the Commission set up a site committee for everyone to go out and see the property. He requested this matter be advertised for public hearing in November. The Commission agreed to a site visit on November 11, 2010 at 10:00 a.m.

Other

A Planning Commissioners Retreat

Mrs. Somers stated she wanted to bring this up again to see what the Commissioners are interested in doing. Some are interested in having a one day workshop on the weekend with Dr. Michael Chandler. Since everyone has not attended the Planning Commissioners Seminar, I am going to be contacting Dr. Chandler for rates and availability for a one day session with the Commission after January 1, 2011.

Chairman Price also informed the Commissioners that he will not be reappointed at the end of his term. Citing his family needed to come first. He stated December would be his last meeting.

With no further business, Chairman Price adjourned the meeting at 8:41 p.m.

Paul Price, Chairman